

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

AMERICAN TRAFFIC SOLUTIONS, INC.	§	No. 1:12-CV-00504
	§	
Plaintiff,	§	Jury Trial Demanded
	§	
v.	§	
	§	
B&W SENSORS LLC,	§	
	§	
Defendant.	§	
	§	

JOINT REPORT

Pursuant to the Court's November 20, 2012 Order Governing Proceedings (Dkt # 19), the parties¹ respectfully present this joint report regarding the proposed case management matters in advance of the January 17, 2013 case management conference.

1. The parties discussed the proposed deadlines set out in Appendix B of the Order Governing Proceedings and propose that the deadlines for expert disclosures under Fed. R. Civ. P. 26(2)(B), for close of discovery, and for filing dispositive motions under Local Rule CV-7 be extended to provide the parties with sufficient time to prepare and conduct discovery on damages and related issues. The proposed schedule agreed to by the parties, with the parties' proposed modifications of the deadlines set forth in Appendix B of the Order Governing Proceedings and/or the E.D. Tex. Patent Rules indicated, is attached hereto as Appendix B.

¹ Defendant B&W Sensors LLC notes that all of its and its attorneys' activities in this case, including without limitation participation in the Rule 26 Attorney Conference and the preparation and filing of this Joint Report are expressly done subject to and without waiving B&W's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue (Dkt. No. 13).

2. The parties have agreed that, with respect to deposition time (as discussed in Section I of the Order Governing Proceedings), one side's deposition cross-examination time shall not be counted against the party that noted the deposition; and that the parties' privilege logs (as discussed in Section J of the Order Governing Proceedings) need not include any privileged or work product documents communicated or prepared after commencement of this action.

3. The parties believe that mediation is an appropriate form of ADR for this case. The parties are in discussions to attempt to agree on a mediator for the case and will be prepared to discuss an agreed mediator at the case management conference.

4. The parties do not suggest any further changes to the rules governing discovery beyond those set forth in paragraphs 1 and 2 above.

5. Plaintiff discloses the following persons expected to be deposed:

Jigang Wang
Vice President and Chief Scientist
American Traffic Solutions ("ATS")
(Contact through Plaintiff's counsel)

Adam Tuton
Executive Vice President
American Traffic Solutions
(Contact through Plaintiff's counsel)

Mark Jackson
B&W Sensors LLC

John Baine
B&W Sensors LLC

Thomas Winkler
B&W Sensors LLC

Joseph Jedlicka
B&W Sensors LLC

Stephen Hildebrand
B&W Sensors LLC

Other employees or former employees of B&W Sensors LLC

Dennis Christiansen
Texas Transportation Institute
3135 Tamu
College Station, TX 77843

Dr. Dan Middleton
Texas Transportation Institute
3135 Tamu
College Station, TX 77843

David Willis
Texas Transportation Institute
3135 Tamu
College Station, TX 77843

Defendant discloses the following additional persons expected to be deposed:

Attorneys involved in the prosecution of the '863 and/or '685 Patents.

James D. Tuton
President/CEO of ATS

Adam Draizin
Executive Vice President / President-Fleet Services at ATS

Michael Bolton
Chief Operating Officer of ATS

Other employees or former employees of ATS

Representatives of some or all of the alleged customers of ATS that form the basis of ATS's claims for tortious interference and/or unfair competition (including without limitation those identified in ATS's complaint as Memphis, TN, St. Ann, MO, Country Club Hills, MO, Sugar Creek, MO, and Moline Acres, MO)

The parties note that these are preliminary lists prepared without the benefit of any discovery in the case. Each party reserves the right to depose additional witnesses that are revealed to be relevant witnesses during discovery.

6. The parties anticipate that ten (10) Court days will be needed for the trial of this case.

7. On behalf of Plaintiff, George Hittner, Brian C. Park, and Andy Taylor will appear at the case management conference. On behalf of Defendant, Douglas E. Warren and Craig Tadlock will appear at the case management conference.

8. The parties do not have any further issues and are not requesting any further orders at this time, although they note that the following motions are pending in the case at this time:

Plaintiff's Motion for Preliminary Injunction (Dkt. No. 2)

Defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue (Dkt. No. 13)

Defendant's Motion to Transfer Venue (Dkt. No. 20)

Defendant's Motion to Strike Plaintiff's Motion for Preliminary Injunction, or in the Alternative, to Stay All Proceedings on Plaintiff's Motion for Preliminary Injunction Pending Resolution of Defendant's Motion to Dismiss (Dkt. Nos. 23 and 24)

Plaintiff's Motion to Strike Defendant's Response in Opposition to Motion for Preliminary Injunction (Dkt. No. 34).

DATED this 19th day of December, 2012.

Respectfully submitted,

<p>/s/ Brian C. Park</p> <hr/> <p>Brian C. Park (<i>Pro Hac Vice</i>) Nathan C. Brunette <i>Pro Hac Vice</i>) STOEL RIVES LLP 600 University Street, Suite 3600 Seattle, Washington 98101-4109 Telephone: (206) 386-7542 Facsimile: (206) 386-7500 BCPark@stoel.com NCBrunette@stoel.com</p> <p>Andy Taylor Texas Bar No. 19727600 ANDY TAYLOR & ASSOCIATES, PC 2668 Highway 36S, #288 Brenham, TX 77833 Telephone: (713) 222-1817 Facsimile: (713) 222-1855 ATaylor@AndyTaylorLaw.com</p> <p>George J. Hittner Texas Bar No. 24038959 American Traffic Solutions, Inc. 1330 West Southern Avenue Tempe, AZ 85282 Telephone: (480) 596-4704 Facsimile: (480) 967-7131 George.Hittner@atsol.com</p> <p>Attorneys for Plaintiff AMERICAN TRAFFIC SOLUTIONS, INC.</p>	<p>/s/ Craig Tadlock</p> <hr/> <p>Craig Tadlock Texas Bar No. 00791766 TADLOCK LAW FIRM PLLC 2701 Dallas Parkway, Suite 360 Plano, Texas 75093 Phone: 903-730-6789 craig@tadlocklawfirm.com</p> <p>Douglas E. Warren (admitted <i>pro hac vice</i>) Missouri Bar No. 49,333 Post Office Box 6727 Chesterfield, Missouri 63006 Phone: 636-519-5257 Fax: 636-536-0517 dewarren@charter.net</p> <p>Attorneys for Defendant B&W SENSORS LLC</p>
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